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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,830	08/31/2001	Hisashi Takayama	TAKAYAMA 4	9491
1444 7590 02/16/2011 Browdy and Neimark, PLLC 1625 K Street, N.W. Suite 1100 Washington, DC 20006			EXAMINER GRAHAM, CLEMENT B	
			ART UNIT 3691	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

09/831,830

Applicant(s)

TAKAYAMA ET AL.

Examiner

Clement B. Graham

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 83-96 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 83-96 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PCT/IS/OC)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-82 has been cancelled and claims 83-96 has been added.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 83-96, are rejected under 35 U.S.C. 103(a) as being unpatentable over Dykes et al (Hereinafter Dykes U.S Patent 6, 901, 425) in view of Dykes et al (Hereinafter Herrod et al (Hereinafter Herrod U.S Pub: 2001/0055978).

As per claim 83, Dykes discloses a communication terminal for communicating with a service terminal, said communication terminal comprising an infrared (IR) communication section and a second wireless communication section, wherein:
the first wireless IR communication section of said communication station receives, from the service terminal located within a distance suitable to communicate with said IR communication section (see column 3 lines 52-67 and column 4 lines 1-15 and column 6 lines 9-21, 59-67 and column 7 lines 1-45) an initiation message comprising an instruction to start communication with the service terminal and a device list containing a list of device addresses of the service terminals in a wireless communication environment, and sends, to the service terminal (see column 3 lines 52-67 and column 4 lines 1-15 and column 6 lines 9-21, 59-67 and column 7 lines 1-45) a start message for starting communication with the first wireless IR communication section of the communication terminal, said initiation message and said start message comprises a field that specifies to which of said first and IR communication section or said second wireless communication section communications are to be directed, (see column 3 lines 52-67 and column 4 lines 1-15 and column 6 lines 9-21, 59-67 and column 7 lines 1-45) the second

wireless communication section establishes a communication session with the service terminal identified in a search of said device list included in said initiation message (see column 3 lines 52-67 and column 4 lines 1-15 and column 6 lines 9-21, 59-67 and column 7 lines 1-45).

Dykes fail to explicitly teach wherein when the instruction specifies that communications are to be started with the second wireless communication section.

However Herrod discloses a remote link is provided allowing communication between terminal and the cradle (or indeed any other access point as defined by the operational parameters of the system) by remote, wireless communication such as infrared IRDA, microwave, RF or any other suitable method. Data to and from the remote link is processed by the processor (see para 0020, 0074 0082, 0139).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Dykes to include wherein when the instruction specifies that communications are to be started with the second wireless communication section taught by Herrod in order to use a portable device to perform wireless communication.

As per claim 84, Dykes discloses wherein the initiation message for starting communication with the service terminal further comprises a session number specified by the service terminal, and the start message includes a device address of the communication terminal and a session number specified by the communication terminal (see column 3 lines 52-67 and column 4 lines 1-15 and column 6 lines 9-21, 59-67 and column 7 lines 1-45)

As per claim 85, Dykes discloses wherein the wireless communication section identifies the service terminal from the device list using a device address of the service terminal, the device address being included in the initiation message, and performs authentication processing by comparing one session number included in the initiation message received from the service terminal identified and another session number included in the start message for starting communication with the communication terminal (see column 3 lines 52-67 and column 4 lines 1-15 and column 6 lines 9-21, 59-67 and column 7 lines 1-45)

As per claim 86, Dykes discloses a communication terminal for communicating with service terminal, said communication terminal comprising a first wireless infrared (IR) communication section and a second wireless communication section, wherein: the IR communication section sends, to the service terminal located within a distance suitable to

communicate with said first wireless IR communication section, an initiation message (see column 3 lines 52-67 and column 4 lines 1-15 and column 6 lines 9-21, 59-67 and column 7 lines 1-45) comprising an instruction to start communication the first wireless IR communication section of the communication terminal and a device list of device addresses of the service terminals in a wireless communication environment, and receives, from the service terminal a start message for starting communication with the service terminal (see column 3 lines 52-67 and column 4 lines 1-15 and column 6 lines 9-21, 59-67 and column 7 lines 1-45) said initiation message and said start message comprises a field that specifies to which of said first wireless IR communication section and said second wireless section communications are to be directed, (see column 3 lines 52-67 and column 4 lines 1-15 and column 6 lines 9-21, 59-67 and column 7 lines 1-45) the second wireless communication section establishes a communication session with the service terminal in response to a request for establishment of communication session from the service terminal to the communication terminal searched from the device list included in said initiation message (see column 3 lines 52-67 and column 4 lines 1-15 and column 6 lines 9-21, 59-67 and column 7 lines 1-45).

Dykes fail to explicitly teach wherein when the instruction specifies that communications are to be directed is the second wireless communication section.

However Herrod discloses a remote link is provided allowing communication between terminal and the cradle (or indeed any other access point as defined by the operational parameters of the system) by remote, wireless communication such as infrared IRDA, microwave, RF or any other suitable method. Data to and from the remote link is processed by the processor (see para 0020, 0074 0082, 0139).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Dykes to include wherein when the instruction specifies that communications are to be directed is the second wireless communication section taught by Herrod in order to use a portable device to perform wireless communication.

As per claim 87, Dykes discloses wherein the initiation message further comprises a session number specified by the communication terminal, and the start message includes a device address of the service terminal and a session number specified by the service terminal (see

column 3 lines 52-67 and column 4 lines 1-15 and column 6 lines 9-21, 59-67 and column 7 lines 1-45).

As per claim 88, Dykes discloses wherein the second wireless communication section performs authentication processing by comparing one session number included in the initiation message received from the service terminal identified and another session number included in the initiation message (see column 3 lines 52-67 and column 4 lines 1-15 and column 6 lines 9-21, 59-67 and column 7 lines 1-45).

As per claim 89, Dykes discloses wherein the first wireless IR communication section has directivity (see column 3 lines 52-67 and column 4 lines 1-15 and column 6 lines 9-21, 59-67 and column 7 lines 1-45).

As per claim 90, Dykes discloses 90. (New) The communication terminal according to claim 84, wherein the first wireless IR communication section has directivity (see column 3 lines 52-67 and column 4 lines 1-15 and column 6 lines 9-21, 59-67 and column 7 lines 1-45).

As per claim 91, Dykes discloses wherein the first wireless IR communication section has directivity (see column 3 lines 52-67 and column 4 lines 1-15 and column 6 lines 9-21, 59-67 and column 7 lines 1-45).

As per claim 92, Dykes discloses wherein the first wireless IR communication section has directivity (see column 3 lines 52-67 and column 4 lines 1-15 and column 6 lines 9-21, 59-67 and column 7 lines 1-45).

As per claim 93, Dykes discloses a communication method comprising the steps of: sending, from a service terminal having a first wireless infrared (IR) communication section and a second wireless communication section, a first initiation message comprising an instruction to start communication from the service terminal through a first wireless IR communication section and a device list comprising device addresses, and sending(see column 3 lines 52-67 and column 4 lines 1-15 and column 6 lines 9-21, 59-67 and column 7 lines 1-45) from a mobile user terminal having a first wireless IR communication section and a second wireless communication section, a second initiation message comprising an instruction to start communication from the mobile user terminal through a first wireless IR communication section (see column 3 lines 52-67 and column 4 lines 1-15 and column 6 lines 9-21, 59-67 and column 7 lines 1-45) wherein at least one of said instruction to start communication from the service terminal and said instruction to

start communication from the mobile user terminal comprises a field for specifying which of said wireless communication sections communications are to be directed (see column 3 lines 52-67 and column 4 lines 1-15 and column 6 lines 9-21, 59-67 and column 7 lines 1-45) the mobile user terminal receives the initiation message to start communication from the service terminal and searches for an identity of the service terminal to establish a connection from the device list included in the instruction to start communication from the service terminal, and establishes a communication session with the service terminal using the second wireless communication section (see column 3 lines 52-67 and column 4 lines 1-15 and column 6 lines 9-21, 59-67 and column 7 lines 1-45).

Dykes fail to explicitly teach wherein when the instruction specifies that communications are to be directed is the second wireless communication section.

However Herrod discloses a remote link is provided allowing communication between terminal and the cradle (or indeed any other access point as defined by the operational parameters of the system) by remote, wireless communication such as infrared IRDA, microwave, RF or any other suitable method. Data to and from the remote link is processed by the processor (see para 0020, 0074 0082, 0139).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Dykes to include wherein when the instruction specifies that communications are to be directed is the second wireless communication section taught by Herrod in order to use a portable device to perform wireless communication.

As per claim 94, Dykes discloses a communication method comprising the steps of: sending, from a mobile user terminal having a first wireless IR communication section and a second wireless communication section, a first initiation message comprising an instruction to start communication from the mobile user terminal through a first wireless IR communication section and a device list comprising device addresses, and sending, from a service terminal having a first wireless IR communication section and a second wireless communication section, a second initiation message comprising an instruction to start communication from the service terminal through a first wireless IR communication section; wherein at least one of said instruction to start communication from the service terminal side and said instruction to start communication from the mobile user terminal comprising a field for

specifying which of said wireless communication sections communication are to be directed; the service terminal receives the initiation message to start communication from the mobile user terminal and searches for an identity of the mobile user terminal to establish a connection from the device list included in the instruction to start communication with the mobile user terminal, and establishes a communication session with the mobile user terminal using the second wireless communication section.

Dykes fail to explicitly teach wherein when the instruction specifies that communications are to be started with the second wireless communication section.

However Herrod discloses a remote link is provided allowing communication between terminal and the cradle (or indeed any other access point as defined by the operational parameters of the system) by remote, wireless communication such as infrared IRDA, microwave, RF or any other suitable method. Data to and from the remote link is processed by the processor (see para 0020, 0074 0082, 0139).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Dykes to include wherein when the instruction specifies that communications are to be started with the second wireless communication section taught by Herrod in order to use a portable device to perform wireless communication.

As per claim 95, Dykes discloses wherein the instruction to start communication with the service terminal further comprises a session number of the service terminal, and the instruction to start communication with the mobile user terminal includes a device address and a session number of the mobile user terminal (see column 3 lines 52-67 and column 4 lines 1-15 and column 6 lines 9-21, 59-67 and column 7 lines 1-45).

As per claim 96, Dykes discloses wherein the instruction to start communication with the service terminal further comprises a session number of the service terminal, and the instruction to start communication with the mobile user terminal includes a device address and a session number of the mobile user terminal (see column 3 lines 52-67 and column 4 lines 1-15 and column 6 lines 9-21, 59-67 and column 7 lines 1-45).

CONCLUSION

RESPONSE TO ARGUMENTS

4. Applicant's arguments filed 12/7/2010 have been fully considered but they are moot in view of new grounds of rejections.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B. Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Kalinowski/
Supervisory Patent Examiner, Art Unit
3691

Feb 6, 2011
ART UNIT 3691
CG

